

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

W.6 Restaurant Group Ltd., d/b/a The Barley)	CASE NO. 1:17-cv-02521
House of Cleveland, et al.))
) JUDGE DAN A. POLSTER
<i>Plaintiffs,</i>)
) MAGISTRATE JUDGE WILLIAM H.
-v-) BAUGHMAN, JR.
)
Richard Bengtson, et al.) <u>PLAINTIFFS' MOTION TO</u>
) <u>SCHEDULE A HEARING</u>
<i>Defendants.</i>) <u>PURSUANT TO ENFORCEMENT OF</u>
) <u>THE SETTLEMENT AGREEMENT</u>
) <u>BETWEEN THE PARTIES</u>

Plaintiffs, W.6 Restaurant Group Ltd., d/b/a The Barley House of Cleveland (“Barley House”) and Richie Madison (“Madison”), by and through undersigned counsel, respectfully move this Court to schedule a hearing, at which all Parties must attend, to present the arguments relating to the reasons the Court should enforce the Settlement between the Parties, prior to December 21, 2018, when the Court divests itself of jurisdiction in this matter.

It has been nearly three months since the Parties agreed to settle this dispute and agreed to a settlement in principle during the week of August 20, 2018. In the time since, Defendants, have refused to pay the full settlement amount and have further become unresponsive and neglectful in their responsibilities to pay the settlement sum. Defendants’ unnecessary delay is unacceptable, changes the economics of this settlement, and is a blatant attempt to skirt Defendants’ payment responsibility before the December 21 deadline. For this reason, the full amount of settlement is due now.

Due to Defendants’ dismissive nature toward their payment obligations, the settlement will not be complete before the December 21 deadline. Upon information and belief, Defendants’

counsel has also not been able to contact Defendants satisfactorily and counsel is aware that of this request for a hearing. This hearing, and the Court's enforcement of settlement, is therefore necessary to effectuate the settlement before the December 21 deadline.

For the forgoing reasons, the Court should grant this Motion and schedule a hearing immediately to hear arguments relating to the Court's enforcement of the settlement between the Parties. A draft order for this Court's convenience is attached.

Respectfully submitted,

/s/ Christopher B. Congeni

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Christopher B. Congeni
Counsel for Plaintiffs

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